



STATE OF TENNESSEE
BUREAU OF TENNCARE
729 CHURCH STREET
NASHVILLE TENNESSEE 37247-6501

MEMORANDUM

DATE: May 8, 2002

TO: TennCare MCCs

TSOP: 038

FROM: Mark E. Reynolds
Deputy Commissioner

SUBJECT: Confidentiality of Enrollee Information

The MCOs and BHOs are responsible for ensuring that all Medicaid/TennCare enrollees' and potential enrollees' information, materials, and records provided to or obtained by or through the MCO or BHO, whether verbal, written, tape, or otherwise, will be reported as confidential information.

The MCO and BHO providers are required to maintain all information about enrollees related to their examination, care, and treatment confidential information. Confidential information is not to be divulged without the enrollee's authorization unless:

- 1) it is required by law;
- 2) it is necessary to coordinate the patient's care with physicians, hospitals, or other health care entities;
- 3) it is necessary to coordinate insurance or other matters pertaining to payment; or
- 4) it is necessary in compelling circumstances to protect the health and safety of an individual.

Any information that is to be released in response to a court order must be reported to the enrollee in a timely manner.

An enrollee's records may be disclosed, with or without enrollee authorization, to qualified personnel for the purpose of conducting scientific research. Such research may not identify, directly or indirectly, any individual enrollee in any report of the research or otherwise disclose participant identity in any manner. The enrollee's information must be adequately stored and processed so that it is protected against unauthorized disclosure.

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The MCOs and BHOs must restrict the use or disclosure of information concerning potential enrollees and enrollees to purposes directly connected with the administration of the plan.

All MCOs and BHOs providers and sub-contracting entities or organizations will be required to safeguard information about enrollees. The types of information to be safeguarded are:

- 1) name and address;
- 2) medical services provided;
- 3) social and economic conditions or circumstances;
- 4) agency evaluation of personal information;
- 5) medical data, including diagnosis and past history of disease or disability;
- 6) any information received for verifying income; and
- 7) other identifiers including Social Security numbers.

TennCare Authority:

42 C.F.R. Part 431, Subpart F

Contractor Risk Agreement: Section 2-18.s., Section 4-21

BHO Contractor Risk Agreement: Section 3.4.3.2.4.3,
Section 3.9.2.19, and Section 6.14

TennCare Contact:

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